

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

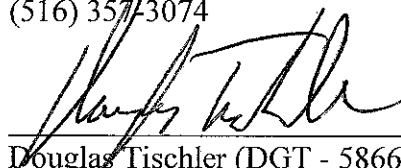
DARYL FALLAS, Plaintiff, v. CAVALRY SPV 1, LLC, SCHACHTER PORTNOY, LLC, Defendant.	Civil Action No.: 12-cv-05664-PGS-DEA DEFENDANTS SCHACHTER PORTNOY, LLC'S NOTICE OF MOTION TO DISMISS THE COMPLAINT PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE
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TO: Daryl Fallas
77 Parker Avenue
Deal, New Jersey 07723

PLEASE TAKE NOTICE, that on the 5th day of November, 2012, the undersigned attorneys for defendant, SCHACHTER PORTNOY, will make an application to the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, Honorable Peter Sheridan presiding, for an Order dismissing Plaintiff's Complaint pursuant to Rule 12(b)(6).

The undersigned shall rely on the attached Declaration, Exhibit and Brief in support of this Motion.

RIVKIN RADLER LLP
Attorneys for Defendant,
SCHACHTER PORTNOY, LLC
926 RXR Plaza
Uniondale, New York 11556-0926
(516) 357-3074



Douglas Tischler (DGT - 5866)
A Member of the Firm

Date: October 3, 2012
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